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ART. I.—*A Political and Civil History of the United States of America, from the Year 1763 to the Close of the Administration of President Washington, in March, 1797; including a summary View of the Political and Civil State of the North American Colonies prior to that Period.* By TIMOTHY PITKIN. 2 vols. 8vo. New Haven. 1828. H. Howe.

THIS is the first attempt, we believe, to write a political and civil history of the United States, disconnected from military operations and the general thread of events. The plan has its advantages, but it may perhaps be doubted whether these are predominant. For a class of readers, already well versed in the narrative part of our history, this mode of grouping together and bringing into their proper relations the political incidents has much to recommend it; but this class is small. The mass of people read history mainly to be amused, and they are carried along with the narrative, even when the movements of the machinery of state, and the political acts and designs of rulers, have little in them to quicken interest, or gratify curiosity. There is another objection to this method. History is a series of causes and effects; it is a chain, in which each successive link depends on the preceding; you may call one political, and another military, and another social, yet there is a mutual relation and dependence between them, which cannot be broken without force, or without detriment. You may discuss the policy of a nation, of a particular administration, or of an indi-

vidual ruler ; you may examine political principles, the features of a constitution, the elements of social union, and penetrate as deeply as you will into the mysteries of government and the organization of society ; all these topics may be treated to any extent as of separate importance, but when you weave them together into a history, without regarding the great public events of which they are the causes or consequences, you manifestly work at a disadvantage, and are able at last to sketch but an imperfect outline of the picture, which you aim to exhibit in its full proportions and distinctive colors.

It will be seen at once, therefore, that Mr Pitkin has undertaken a difficult task. It must not be understood, however, that he goes to the extreme, which some might infer from his title-page, of separating the political and civil from the other branches of history. He never loses sight of his chief purpose, yet he does not wholly discard narrative where it is essential to the developement of political principles and acts. Philosophical history makes no part of his plan, nor does he often venture into the region of conjecture or speculation ; but his primary object is to embody, in as methodical a manner as the subject will admit, the political characteristics of the different forms of government and society, which have existed in this country, from the time of the first settlement of the colonies, till the retirement of Washington from the presidency. In prosecuting this design he brings under review the early charters, and traces their operation in the several colonies. The proprietary and royal governments are examined in the same manner. At length come the difficulties between the assemblies and governors, or rather between the people and the agents of royalty, which grew up into the causes of the revolution. These are pursued to their results. From that period to the end of his work he manages the abundance of his materials with good judgment, and with a strict adherence to his plan.

Mr Pitkin well observes in his Preface, that no complete history of the British Colonies in America can be written, without consulting the manuscript papers in the offices of the English government. In fact, it would be an absolute waste of time in any person to engage in such an undertaking, till he can have free and full access to this mass of materials. Chalmers had this privilege, and he seems to have used it effectually ; but his work embraces a comparatively small part

only of our colonial history, and that by no means the most attractive part. It was hoped, that Congress would take measures to procure copies of these papers, as both the states of Georgia and North Carolina had made application to the general government for this object, in reference to those states. The committee of ways and means, nearly two years ago, reported a bill recommending such a measure, and making provision for procuring copies of all the papers in the English offices, relating to the colonial history of this country. The bill, however, was never heard of more, and lay undisturbed upon the table, till it was swept away amidst the rubbish of forgotten things. Congress have so much to do with the present, that they find no leisure to think of the past. We all love to boast, and even our members of Congress are not loath to proclaim in the halls of legislation, that we are an enlightened, liberal, and improving people ; yet the British Parliament make *an annual appropriation* for printing ancient manuscript records and documents, to more than double the amount it would cost to procure a copy of all the American colonial papers. They have commissioners of their own body appointed on purpose to superintend the selection and publication of these papers. Sir James Mackintosh is an active and zealous member of this board of commissioners. An editor is also appointed, whose business it is to examine the manuscripts, compare the printed sheets with the originals, and execute all the duties, which naturally devolve upon an editor. This is a work in perpetual progress, and will at length become a treasure of great importance for the future historians of England.

There is probably no nation in civilized Europe so indifferent to its history as the people of the United States ; that is, if we may judge of the feelings of the people from the acts of their representatives. Our writers are fond of vague, abstract declamation about our ancestors ; but who they were, or what they did, how they thought and how they lived, what influence they had upon their age, or in guiding the destiny that awaited their posterity ; these are questions that very few ever dream to be worth investigating. They are, nevertheless, the essence of genuine history, and from them we are to learn, not only to reverence what is good in the characters and deeds of our forefathers, but to enjoy the inheritance they have transmitted to us, and profit by their example. Mere empty declamation about these things comes to nothing, except to puff up our van-

ity, and add to our ignorance the ridiculousness of talking pompously about ourselves. It is time for our writers and declaimers to dismiss such puerilities, and betake themselves to the study of history in its stern attribute of truth, and in its dignified office of weighing in the scales of justice the acts of men and the records of ages.

Notwithstanding the difficulty of overcoming the *vis inertiae* of Congress in such a matter as this, which has no bearing on the election of president or amendments of the constitution, yet there is a fair prospect that individuals will accomplish something. Biographies of eminent men, and local histories, are multiplying. These will bring out many facts, which the general historian may one day turn to a good account. It must be confessed, however, that these biographies are for the most part *eulogies*; and should the future historian rely on these alone for his authority, our descendants of the tenth generation will have the pride of looking back upon the most immaculate cluster of statesmen and heroes, that have adorned the annals of any nation. This is surely better than the contrary, but the best of all is truth. The eulogist is a partial judge of the acts and character of him, whom he sets up as a pattern, and tasks himself to praise. The histories of the different states, which are coming out from time to time, will contribute much to the general stock of materials.*

* We take this opportunity to notice one of the histories of this description, which has recently appeared. We refer to the 'History of Massachusetts, by ALDEN BRADFORD.' This work is a continuation of Hutchinson and Minot, and embraces a very interesting period of the history of the state. It is contained in three volumes, the last of which has just been published. The first volume treats of the time between the years 1764 and 1775, when Washington took the command of the American army; the second pursues the narrative to the beginning of the federal government under the constitution in 1789; and the third comes down to 1820. The author's long employment, as secretary of the commonwealth of Massachusetts, has given him peculiar advantages for examining authentic records and documents; and this, together with his well known love of historical research, ensures a value to these volumes for completeness, accuracy, and fidelity, which few authors have the means of imparting.

Among the periodical works of a historical character, HAZARD'S REGISTER OF PENNSYLVANIA deserves great praise. The volumes, that have already appeared, contain a rich fund of useful and important materials. Its purpose is to exhibit the statistics, political and civil transactions, progress of internal improvements, and every kind of useful information relating to Pennsylvania. It is made a

Mr Pitkin traces briefly, but with discrimination, in the principles and forms of our colonial governments, the primary causes of the revolution, and the elements of the systems which succeeded. New England was under *charter governments*. These resembled each other in their prominent features, and secured important privileges to the people. They were allowed, for instance, to choose their own governors, to elect a legislative assembly, and establish courts of justice. The assembly was empowered to pass any laws concerning the colony, with the only provision that these laws should not be opposed to any of the laws of England. For a few of the first years of the Massachusetts government, the chief control was in the hands of the governor and his assistants. At length the people, whose numbers were increasing, began to claim a greater share in the administration of affairs. At a meeting they resolved, that the power to make laws, appoint officers, and impose taxes, should rest with the *General Court* alone, and that this General Court should be composed of two or three members chosen from each plantation by the people. 'This, though not strictly warranted by the charter, was generally assented to, and became a fundamental part of the constitution of the colony. The assistants and deputies at first met together in the same room, and the former claimed a negative on the acts of the latter. This created no little dispute between them, and was not finally settled until 1644, when it was mutually agreed, that the legislature should consist of two separate bodies, each having a negative on the other.' At this early period the mode of legislating by two separate houses was introduced into Massachusetts.

The origin of the Connecticut government was somewhat peculiar. A company of emigrants from Massachusetts settled on the Connecticut river, at the towns of Hartford, Wethersfield, and Windsor. The government was first in the hands of persons designated by the legislature of Massachusetts, called magistrates, and assisted by committees from the towns, who gave their advice on important occasions. This scheme was of short duration; for the people, finding themselves beyond

depository, also, of historical fragments of early times, selections from manuscripts, and reprints of rare pieces, which have a permanent value. It is the best devised and most successful attempt of the kind, which we have seen. The plan might be followed with great advantage in every state.

the limits of the Massachusetts charter, thought it convenient to establish a form of government for themselves.

'The outlines of this constitution were, that there should be two general assemblies held in each year, one in April and the other in September. The one in April was called the court of election, at which were to be chosen a governor, and six magistrates, at least, and other public officers, as should be found requisite—the governor and magistrates to hold their offices for one year, and the governor was to be chosen from the magistrates. The governor and magistrates to be elected by those admitted freemen by the towns, and had taken the oath of fidelity. The mode of electing magistrates, was, it is believed, peculiar to Connecticut, and well calculated to prevent the choice of improper persons, either from the momentary impulse of the electors, or intrigues of the candidates. No person could be elected to that important station, who had not been proposed or nominated at some preceding General Court. The towns, by themselves, or their representatives, had a right to make such nominations, and transmit them to the court, and the court might add such names as they thought proper. The names of the persons thus nominated were published, and out of this number alone could the magistrates be chosen, by secret ballot, in the following manner. On the day of election, the names of the persons thus nominated at the preceding assembly, were called over in order by the secretary; and the freeman who desired the person called to be chosen, gave in a piece of paper, with some writing upon it; and those who did not wish him to be elected, gave in a blank; and those who had more written than blank papers were elected. No person could be chosen governor for two years in succession; and the governor must have been a magistrate, and also a member of some approved congregation.'

'The towns were to be represented in the general assembly by deputies, chosen by the freemen of the same; the towns of Hartford, Wethersfield, and Windsor, to send four each, and the towns afterwards to be made, as many as the court should direct. The representatives to be chosen by those who had been admitted inhabitants of the town, and taken the oath of fidelity.' Vol. i. pp. 43, 44.

It is remarkable, that the substance of this system, or constitution, founded at the very outset of the colony, was retained in the charter of Charles the Second, and remained the same throughout the colonial period, the changes of the revolution, under the constitution of the United States, and even down to the new constitution of Connecticut, adopted eleven years ago, into which instrument many of its principles are incorporated.

The settlement on the Connecticut river consisted of eight hundred persons, when this form of government was instituted.

All the world knows the history of Roger Williams, and the liberal and enlightened spirit by which the institutions of Rhode Island were established under his influence. So well did these accord with the principles of liberty and right, that the charter obtained in conformity with them, not only secured to the people the privilege of self-government under the colonial organization, but formed the basis of a system entirely adequate to all the ends of a free government in its widest application.

The most remarkable feature in the history of the charter governments is the confederacy into which they entered in 1643. Besides its agency in guiding the events of the time, it was the prototype of the confederacy of the states during the revolution, which was in fact the germ and vivifying principle of our existence as a nation. There is so much similarity in the substance of the two confederations, as to prove that the legislators in Congress were not unwilling to profit by the wisdom and example of their forefathers. The author describes the New England confederacy as follows.

'This union was proposed by the colonies of Connecticut and New Haven, as early as 1638, but was not finally completed until five years after. This confederacy of these infant colonies continued about forty years; and the confederacy itself, and the proceedings under it, constitute an interesting portion of the political history of New England. It consisted of the colonies of Massachusetts, New Plymouth, Connecticut, and New Haven. By the articles of confederation, as they were called, these colonies entered into a firm and perpetual league of *friendship and amity*, for offence and defence, mutual advice and succor, upon all just occasions, both for preserving and propagating the truth and liberties of the Gospel, and for their own mutual *safety and welfare*. Each colony was to retain its own peculiar jurisdiction and government; and no other plantation or colony was to be received as a confederate, nor any two of the confederates to be united into one jurisdiction, without the consent of the rest. The affairs of the united colonies were to be managed by a legislature to consist of two persons, styled commissioners, chosen from each colony. These commissioners had power "to hear, examine, weigh, and determine all affairs of war or peace, leagues, aids, charges, and number of men for war,—division of spoils, and whatsoever is gotten by conquest—receiving of more confederates for plantations, into combination with any of the confederates; and all things of a like nature, which are the proper *concomitants* and *consequences*

of such a confederation for amity, offence, and defence ; not intermeddling with the government of any of the jurisdictions, which, by the third article, is preserved entirely to themselves." The commissioners were to meet annually, in each colony, in succession, and when met, to choose a president, and the determination of any six to be binding on all.

' The expenses of all just wars to be borne by each colony, in proportion to its number of male inhabitants of whatever quality or condition, between the ages of sixteen and sixty.

' In case any colony should be suddenly invaded, on motion and request of three magistrates of such colony, the other confederates were immediately to send aid to the colony invaded, in men, Massachusetts one hundred, and the other colonies forty-five each, or for a less number, in the same proportion.

' The commissioners, however, were very properly directed, afterwards, to take into consideration the cause of such war or invasion, and if it should appear that the fault was in the colony invaded, such colony was not only to make satisfaction to the invaders, but to bear all the expenses of the war.

' The commissioners were also authorized "to frame and establish agreements and orders in general cases of a civil nature, wherein all the plantations were interested, for preserving peace among themselves, and preventing as much as may be all occasions of war, or difference with others, as about the free and speedy passage of justice, in every jurisdiction, to all the confederates equally as to their own, receiving those that remove from one plantation to another, without due certificates."

' It was, also, very wisely provided in the articles, that runaway servants, and fugitives from justice, should be returned to the colonies where they belonged, or from which they had fled. If any of the confederates should violate any of the articles, or, in any way injure any one of the other colonies, "such breach of agreement, or injury, was to be considered and ordered" by the commissioners of the other colonies. This confederacy, which was declared to be perpetual, continued without any essential alteration, until the New England colonies were deprived of their charter by the arbitrary proceedings of James II. In the year 1648, some of the inhabitants of Rhode Island requested to be admitted into the confederacy, but they were informed that the Island was within the patent granted to New Plymouth, and therefore their request was denied.' Vol. I. pp. 50, 51.

The main objects of the confederates were to protect themselves against the Dutch at New York, and the Indians. The line between New York and Connecticut was run and settled under the direction of the commissioners, and the famous war

with King Philip was prosecuted by the united forces of the confederate colonies.

An anecdote in the history of those times shows, that tariff-making is not a modern device in our legislation. The town of Springfield, on the Connecticut river, was within the jurisdiction of Massachusetts. A fort had been erected at the mouth of the river, which was supported at the charge of Connecticut, and the provident people of that colony imposed a duty on certain articles, which the inhabitants of Springfield were in the habit of carrying down the river, in search of a market, beyond the limits of the colony ; alleging as a reason, that, as the people of Springfield were benefited by the protection derived from the fortification at the mouth of the river, they ought to contribute their share of its expense. This was deemed a grievance and an indignity by Massachusetts, and, according to the provisions of the confederation, the case was referred for decision to Plymouth and New Haven, as not being interested in the result. They gave it in favor of Connecticut. Far from being satisfied with this judgment, Massachusetts resorted to a retaliatory act, imposing a duty on similar articles imported from New Haven, Connecticut, and Plymouth, within the Castle of Boston harbor ; assigning as a reason, that the castle had been built and was kept up at a great expense for the protection of all ships, which entered the harbor. At the next meeting of the commissioners a remonstrance was brought in from the three colonies ; but as the fort at Saybrook was soon after destroyed by fire, and the duties in consequence abolished, the affair was pursued no farther.

The charter governments were founded on a more liberal basis than the others, as they left much in the hands of the people. They were not without troubles and embarrassments. The king and parliament claimed the right of altering them, or even revoking them altogether ; whereas the colonies denied such right, affirming that the charters were sacred compacts, which could not be annulled or infringed, unless their conditions had been violated by the party to whom they were granted. The charters were, nevertheless, sometimes forcibly taken away, and the injuries thus inflicted led to ceaseless contentions, which were among the chief causes of the revolution.

The *proprietary governments*, as the name indicates, were in the hands of proprietors, or individuals, who had derived grants from the king in their own name, with authority to set up

a civil government and make laws, under certain restrictions with reference to the crown. This plan prevailed in Maryland, Pennsylvania, the Carolinas, and the Jerseys. The most remarkable of the proprietary governments was that of Pennsylvania, on account of the peculiar character and humane purposes of its founder. Pennsylvania and Maryland were the only colonies, which remained under the proprietary system till the revolution; the others had reverted to the crown, and become royal governments at a much earlier date.

This system, in fact, answered but indifferently the ends of colonization. It was suited only to an old country, where the lands were held in large portions, and the people accustomed to the condition of tenants. In a new country, where all are laborers, it is essential to the prosperity of the community, and the happiness of the people individually, that the land should be held in small parcels and in fee simple by the laborers themselves. Each man will feel, that his exertions are for his own benefit and for that of his family, and out of regard to his interest he will become an efficient and faithful member of the body politic, to whose laws and restraints he chooses to submit. There was a marked difference, in this respect, between the proprietary and charter governments. 'The New England colonists,' says Mr. Pitkin, 'clung to their charters as the ark of their political safety, in opposition to the claims of the king and parliament; while those under the proprietary governments, and especially in Pennsylvania, New Jersey, and Carolina, on the other hand, sought refuge and protection from the oppression of the proprietors, under a royal government.' In short, under the proprietors, even those who were personally least objectionable, the people were always restless, full of complaints, and struggling for a change.

The rule of taxation, adopted by the proprietors, gave the greatest offence, and caused serious difficulties, particularly in Pennsylvania. They insisted on having their property, which in lands extended to a large portion of the province, exempted from taxation, even when this was laid for the defence of the colony, and for the mutual protection of property. So inequitable a demand very naturally incensed the people. The deputy governors, who resided in the colony, were instructed not to sanction money bills, which did not recognise this exemption. The assembly considered this a breach of chartered right, and sent a remonstrance to the king by the hands of Dr

Franklin. He succeeded in bringing the proprietors to consent, that their estates should bear a proportional assessment, although they afterwards endeavored to revoke this decision. The disputes and difficulties increased, till they were superseded by the more stirring events, which finally broke the chain of colonial dependence.

The third mode of governing the colonies, by *royal governments*, is described in the following brief summary of the author.

'The governor and the council were appointed by the crown, and the people elected representatives to serve in the colonial legislatures. The governor held his office by a commission from the king, and was to be governed by such royal instructions, as he from time to time received. The council derived their authority, both executive and legislative, from the same instructions. In their legislative capacity, they constituted the upper house, having a negative on the acts of the representatives; and in their executive capacity they acted as advisers of the governor. The latter had a negative on the acts of both houses; and the acts themselves, though approved by the governor, were finally subject to the revision of the crown. The judges and most of the other officers were, also, appointed by the king. The judges held their offices during the pleasure of the crown; and the governor, as well as the judges, were at first dependent upon the colonial legislatures for their salaries.' Vol. I. p. 71.

Under this system the people complained of many oppressions from the governors; but that it was more acceptable than the proprietary system, is to be inferred from the fact, that the colonists under the proprietors wished the latter to be exchanged for the former. The royal governors were too independent of the assemblies. They would refuse to convene them regularly, or prorogue them in a fit of passion or caprice, when they were not yielding to their demands, and harass them by insisting on some odious prerogative, or making claims as odious, or affixing their *veto* to important bills. The assemblies commonly revenged themselves by withholding grants of money, and passing high-toned resolutions, and now and then sending a spirited remonstrance to the crown. The contest, begun in ill humor, and continued with recrimination, usually ended in reproaches and mutual disrespect. The history of Virginia and New York afford illustrations in point.

Were it consistent with our present object, it would be interesting to accompany the author through the several stages

of colonial history, and witness from step to step the progress of those principles and occurrences, which paved the way to the opening scenes of the revolution. This curious research has never yet been prosecuted with the aid of all the lights that are to be thrown upon it. The great landmarks, however, are already fixed; and it must be the fortunate enterprise of some future historian to complete the task, when time shall unfold its records, and the past give up its treasures to the present. On two great topics, *representation* and *taxation*, there was an incessant difference of opinion between the king and parliament, and the colonists. The governors and assemblies were frequently in a quarrel on these points. The colonists claimed it as the basis of their *rights*, to make the laws by which they were to be governed, and to impose the taxes they were to pay. The contest respecting the former was confined to the royal governments, for the right of representation was secured by charter to the people under the charter and proprietary systems. It was decided by the law authorities in England, that the king could alter or annul at pleasure the laws passed by the assemblies under the royal governments. This decision was founded on the notion, that the right of representation depended on the will of the king, and was derived to the colonies by the commissions and instructions of the crown. These doctrines struck at the very root of freedom, making the assemblies a mere cipher, and virtually taking from the people all participation in the government. They were a fruitful source of animosity and contention.

The subject of *taxation* spread into much wider consequences, because it applied equally to all the colonies. From the beginning, the colonists had at various times declared, that no taxes could be levied except by the representatives of the people, chosen by themselves. They uniformly acted on this principle, in opposition to the repeated attempts of the governors to extort money on various pretences. No systematic plan was adopted, however, as a ministerial measure, for laying internal taxes on the colonies, till the French power had become reduced in America. Such a project had been suggested to Walpole and Pitt during their administrations, but never adopted or matured. ‘I will leave the taxation of the Americans,’ said Walpole, ‘for some of my successors, who may have more courage than I have, and be less a friend to com-

merce.' After the termination of the French war, it was deemed a favorable opportunity to carry the project into effect, under pretence of raising money to discharge the debt incurred in that war, chiefly, it was said, on account of the colonies, to protect them against a powerful enemy. This was a short-sighted and impolitic view of the matter; for after the colonists were freed from the fear of their old enemies, the French, on their frontiers, it was not likely they would be more ready to yield to what they deemed oppressive demands from the mother country. This juncture was, therefore, unwisely chosen for the experiment, as the result proved. The stamp act was passed, and its fate was such, as hardly to encourage a future attempt. Yet the same ignorance of the temper and feelings of the colonists, the same infatuation of the ministry, spurred on by the mortification of a former defeat, and a fixed resolution to subdue the refractory spirit of the colonies, prompted to a speedy repetition of the same measure. The anecdote in the following extract shows in what manner men are sometimes impelled to act, on important occasions, without regard to the merits of the question.

'A new administration was formed, under the direction of Mr Pitt, composed of men of different political principles and parties. The Duke of Grafton was placed at the head of the treasury, Lord Shelburne was joined with General Conway, as one of the secretaries of state. Charles Townshend was made chancellor of the exchequer, Camden, lord chancellor, Pitt had the privy seal, and was made a peer, with the title of the Earl of Chatham, and Lord North and George Cooke were joint paymasters. Under this chequered administration, afterwards so ludicrously described by Mr Burke, the scheme of taxing America was revived. In May 1767, the new chancellor of the exchequer submitted a plan of this kind to parliament. Charles Townshend was a man of genius and talents, but of high passions, eccentric, and versatile. He had warmly supported Lord Grenville, in the passage of the stamp act, and had voted with the Marquis of Rockingham, in its repeal. The ex-minister, Grenville, may indeed be considered the real author of the second plan for taxing the colonies. He lost no opportunity, in the House of Commons, of passing severe censures on the Americans, for their obstinacy and ingratitude in refusing to pay their proportion of the public expenses; nor was he sparing of his complaints against the ministry and parliament, for their weakness and cowardice in yielding to the claims of the colonists.'

'Declaiming, as usual, one evening, on American affairs, he addressed himself particularly to the ministers,—“ You are cowards,” he said ; “ you are afraid of the Americans, you dare not tax America.” This he repeated in different language. Upon this Townshend took fire, immediately rose and said, “ Fear, fear, cowards, dare not tax America ! I dare tax America.”

Grenville stood silent for a moment, and then said,—“ Dare you tax America ? I wish to God I could see it.” Townshend replied, “ I will, I will.”

‘ Soon after this he submitted to the House a bill imposing duties on glass, paper, paste-board, white and red lead, painters’ colors, and tea, imported into the colonies.’ Vol. i. pp. 216, 217.

Mr Pitkin refers for this anecdote to the manuscript papers of Dr William S. Johnson, who was then in England as agent for Connecticut.

From this date the author’s work acquires a new interest. By bringing into view only the political history of the revolution he is enabled to go more fully into that subject, than previous writers. We do not agree with all his positions, but doubtless they are as accurate as could be made from the materials to which he had access. For instance, he tells us, that ‘ the project of reducing Canada was brought before Congress soon after the arrival of the French minister, and was warmly supported, if not suggested by him.’ Now, so far from supporting such a measure, the French minister was expressly instructed not to listen to it ; and this was the uniform tenor of the instructions of the French government, not only to their ministers in this country, but to their military officers. It has been said, that France wished the Americans to seize Canada, that it might be ceded to her on a treaty of peace. This is not true, although such a suggestion was made to France by Congress. To all hints of this sort, alike in regard to Canada, Nova Scotia, and the Floridas, the French ministry replied, that the king could not aid the Americans in projects of *conquest*; that he was pledged to support them in their claim to the territory of the United States, which they had declared independent, and this pledge he would faithfully execute ; but as he did not undertake to assist them in pushing conquests, nor did he think it for their interest, and as he had no wish to gain any accessions of territory for himself on the American continent, he must decline uniting with them in any such schemes. The policy of France in adopting this course we shall not stop to examine, but the fact is unquestionable.

The negotiations for the treaty of peace are among the most important in the annals of diplomacy. Peace was at the same time to be made between five contending powers. The clashing interests thus involved threw innumerable difficulties in the way, and threatened serious embarrassments. These were in some degree diminished and removed, by carrying on the negotiations in separate parts. That is, separate commissioners were appointed to negotiate with the Americans, and with the other powers. This method gave a unity and simplicity to the business, which it could not have possessed, if the negotiations had proceeded together. The plan was proposed by Dr Franklin, and cordially acceded to by the British and French ministry.

Several erroneous statements have gone abroad, and been formally repeated in histories, respecting the American negotiations at Paris for the treaty of peace. This is not the place to examine the subject in all its parts, but there is one point on which we feel it our duty to speak in the present connexion. Our thoughts are called to it by an extraordinary passage in Mr Cooper's late work on the United States. His words are here quoted.

'The Count de Vergennes had early succeeded in persuading Dr Franklin, that as England could not, nor would not formally acknowledge the *Independence* of America, his better course would be to accept a *truce* for twenty years, at the end of which period his country would be sufficiently strong to take what she needed for herself. The philosopher is said to have acquiesced in this opinion, and began to stir his mighty reason in maturing the terms of this remarkable truce. In this state of mind he was found by Mr Jay on his arrival from Madrid. The latter was not slow to perceive the effects of such a course, nor to detect the secret source whence the insidious counsel flowed.'

'Mr Jay denounced the policy of the Count de Vergennes, and declared that the unqualified independence of his country must be a *sine quâ non* in any treaty which bore his name. Mr Adams soon joined the negotiation, and took the side of independence. Franklin, who was at heart a true patriot, suffered the film to be drawn from his eyes, and perfect union soon presided in their councils. But England had not been unapprised of the disposition of America to receive a truce. Her commissioner, Mr Oswald, appeared with instructions to go no further. In this dilemma a step is ascribed to Mr Jay, that I believe is as remarkable for its boldness as for its good sense. He is said to have written, with his own hand, to the English secretary of

state, pointing out the bad consequences to England herself, if she adhered to her present policy. By keeping the truce suspended over America, she forced that country to lean on France for support; whereas by admitting her at once into the rank of nations, England would obtain a valuable customer, and might also secure a natural friend. Thus instructed in a better policy, the English minister saw his error; and the same courier, who conveyed the letter of Mr Jay, returned with instructions to Mr Oswald to acknowledge the independence of the United States. Finding themselves embarrassed by the Count de Vergennes, believing they were betrayed, in the spirit of their alliance at least, and knowing that France could not find the smallest difficulty in settling her own affairs without their agency, the American commissioners proceeded to sign a treaty of peace in the very teeth of their instructions, without the knowledge of the French minister.'—*Notions of the Americans, &c.* Vol. I. p. 77.

It would be difficult to comprise a larger number of errors within the same compass, than are contained in this extract, or to throw a more deceptive coloring over the few facts that are mingled with them. In the first place, the author's notions of the *truce*, which he mentions, are imaginary, having hardly a shadow of foundation. The idea of a truce was first suggested by Spain, three years before the negotiations for peace, when his Catholic Majesty made an effort to mediate between France and England. To relieve this mediation from the American difficulties, it was thought a long truce between England and the United States, something like that which existed formerly between Spain and Holland, might be resorted to in a manner advantageous to both parties. The idea seemed practicable to the French court, and the minister of his Most Christian Majesty at Philadelphia was instructed to lay the subject before Congress. This was accordingly done; and although there was a difference of opinion, yet a majority approved the project, on the supposition that peace could not be obtained on favorable terms, and the commissioners were authorized to treat for a *truce* on certain conditions. The instructions from the British ministry to Mr Oswald also purported, that he was to treat for a 'peace or truce.' But here the affair ended. The Spanish mediation failed; nor does it appear that the subject of a *truce* ever came into discussion in any way whatever between the British and American commissioners. From the very outset we hear of nothing but propositions for a *treaty of peace*. It is true, the truce was much talked about, both in

America and in Europe, after the proposal of Spain; but we repeat, that the subject never came formally before the commissioners during their negotiations for peace. This fact alone destroys the whole superstructure of Mr Cooper's narrative.

If we pursue his remarks further, we shall find them to involve graver errors. The implied censure on the character of Franklin, and the part he took in these transactions, is equally unjust and incorrect. It is in fact directly opposite to the reality. The author would have us infer, that Dr Franklin was indifferent to the independence of his country, and that this acquisition, as preparing the way for a permanent treaty, was chiefly owing to the firmness and superior patriotism of Mr Jay. Let us see how this accords with facts.

Mr Jay arrived in Paris from Spain on the twenty-third of June. Two or three months before this date, the British ministry began to think seriously of peace; and Mr Oswald was sent to Paris with instructions to converse freely with Dr Franklin, and endeavor to ascertain the nature and extent of the American claims, as well as the disposition of the French ministry in regard to peace. Mr Oswald accordingly had several interviews with Dr Franklin, talked over from time to time the general outlines of a proposed reconciliation and peace between England and the United States, and reported the substance of his conversations to his government. Dr Franklin was, at first, reserved in his communications, but assured the British agent, that the United States were ready to make a peace on honorable and equal terms, whenever it should appear, that their enemies were prepared to meet them on that ground. Being convinced at length of the sincerity of Mr Oswald's intentions, and that the British ministry were in earnest, Dr Franklin submitted to him certain propositions, which he said would come under consideration in negotiating for a peace. The following extract of a letter from Mr Oswald to the Earl of Shelburne, dated the tenth of July, 1782, will explain the nature of these propositions, and the views of Dr Franklin.

'In consequence of Dr Franklin's appointment, as mentioned in my letter of the eighth, I went out to his house this morning, and staid with him near two hours, with a view of obtaining the information and advice I wished for, as to the terms and conditions upon which he thought a treaty between Great Britain and the commissioners of the colonies might be carrying on and proceed to a conclusion. Having reminded him of what he in a

manner promised on the sixth, he took out a minute and read from it a few hints, or articles; some, he said, as necessary for them to insist on; others, which he could not say he had any orders about, or were not absolutely demanded, and yet such as it would be advisable for England to offer for the sake of reconciliation and her future interest; viz.

‘ Points NECESSARY to be granted ;

- ‘ 1. Independence, full and complete in every sense, to the thirteen United States, and all troops to be withdrawn from thence.
- ‘ 2. A settlement of the boundaries of *their* colonies, and the loyal colonies.
- ‘ 3. A confinement of the boundaries of Canada, at least to what they were before the last act of parliament, I think in 1774, if not to a still more contracted state on ancient footing.
- ‘ 4. A freedom of fishing on the Banks of Newfoundland. I own I wondered he should have thought it necessary to ask for this privilege.
- ‘ Then as to the ADVISABLE articles, or such, as a friend, he would recommend to be offered by England ;
- ‘ 1. To indemnify many people who had been ruined by towns burnt and destroyed. The whole might not exceed five or six hundred thousand pounds. I was struck at this. However the Doctor said, though it was a large sum, it would not be ill bestowed, as it would conciliate the resentment of a multitude of poor sufferers, who would have no other remedy, and who, without some relief, would keep up a secret revenge and animosity, for a long time to come, against Great Britain; whereas a voluntary offer of such a reparation would diffuse a universal calm and conciliation over the whole country.
- ‘ 2. Some sort of acknowledgment in some public act of parliament, or otherwise, of our error in distressing those countries so much as we had done. A few words of that kind, the Doctor said, would do more good than people could imagine.
- ‘ 3. Colony ships and trade to be received and have the same privileges in Britain and Ireland, as British ships and trade. I did not ask any explanation on that head for the present. British and Irish ships in the colonies, to be, in like manner, on the same footing with their own ships.
- ‘ 4. Giving up every part of Canada.

‘ If there were any other articles of either kind, I cannot now recollect them, but I do not think there were any of material consequence; and I perhaps was the less attentive in the enumera-

tion, that it had been agreed to give me the whole in writing. But after some reflection, the Doctor said he did not like to give such writing, and, hesitating a good deal about it, asked me if I had seen Mr Jay, the other commissioner lately come from Madrid. I said I had not. He then told me it would be proper I should see him, and he would fix a time for our meeting, and seemed to think he should himself want to confer with him before he gave a final answer. I told him if I had such final answer, and had leave, I would carry it over to England. He said that would be right, but as Mr Grenville told him he expected another courier in four or five days, I had better wait so long, and he would write along with me.

'Upon the whole the Doctor expressed himself in a friendly way toward England, and was not without hope, that if we should settle on this occasion in the way he wished, England would not only have a beneficial intercourse with the colonies, but at last it might end in a federal union between them. In the mean time we ought to take care not to force them into the hands of other people.

'From this conversation I have some hopes, that it is possible to put an end to the American quarrel in a short time, and when that is done I have a notion that a treaty with the other powers will go more smoothly on. The Doctor did not, in the course of the above conversation, hesitate as to a conclusion with them, on account of any connexion with those other states, and in general seemed to think their American affairs must be ended by a separate commission. On these occasions I said, I supposed in case of such a commission he meant that the power of granting Independence would be therein *expressly mentioned*. He said, No doubt.'

In considering this letter, it is important to keep in mind, that it was written before the British commissioner had seen Mr Jay, and three months and a half before Mr Adams arrived in Paris. It must be deemed, therefore, as expressing the unbiassed opinions of Dr Franklin, and the results of his previous conversations with Mr Oswald. Let it be observed, that in this paper, *independence is made the preliminary step to all other proceedings*. Let it be moreover observed, that it contains *all* the essential outlines of the peace, as it was actually concluded. Certain histories have told us, that Franklin was lukewarm about the fisheries, and willing to pass them over, but in this paper they are enumerated as an **ESSENTIAL**. It is a fact capable of demonstration, that, from the beginning to the end of the negotiation, he was a strenuous asserter of this privi-

lege for the United States. In regard to his notion of *independence*, and the *fisheries*, Mr Grenville, the British commissioner for negotiating with France, writes as follows to Lord Shelburne, on the ninth of July; ‘The other day, for the first time, Dr Franklin gave me to understand, that America must have her share in the Newfoundland fishery; that the limits of Canada would likewise be a subject for arrangement; nor does he cease to give the most decided discouragement to any possible plan of arrangement with America, short of *complete and distinct independence in its fullest sense.*’ This was the very time when Mr Cooper tells us, that Franklin was ‘stirring his mighty reason in maturing the terms of the remarkable truce,’ and that ‘in this state of mind’ he was found by Mr Jay. The subject need not be pursued. The testimony is complete and irresistible.

As to another part of the extract, which tells of an extraordinary letter from Mr Jay to the English secretary of state, it is left without any meaning, when it is known, that no truce was in agitation; for the letter is said to have been caused by the dilemma into which the negotiators were thrown, on account of the instructions of Mr Oswald to negotiate only for a truce. As Mr Oswald had no instructions of this kind, the supposition of such a letter vanishes. It may be, that the author had in his mind a vague recollection of a circumstance which happened at another time. In the primary stages of the negotiation, the British ministry had declared through their commissioners in the most explicit terms, that the independence of the United States was to be recognised as a preliminary step to the treaty; but after the death of the Marquis of Rockingham, which happened on the first of July, there seemed to be a change in the views of the ministry. Lord Shelburne, who succeeded the Marquis of Rockingham as first lord of the treasury, was opposed to a direct acknowledgment of independence, and the commission sent to Mr Oswald by the new ministry signified, that this was to be granted *as an article of treaty*, and not by a previous acknowledgment, and the United States were also denominated *Colonies* in the instrument. The American commissioners were much surprised at this change in a point, which they supposed to be settled. Mr Jay, in particular, earnestly remonstrated against it, as being inconsistent with the dignity of the United States. Franklin did not see it exactly in that light, although he pre-

ferred the old method. He doubted, however, whether it was best to break off or delay the treaty on this account, as it was evidently the intention of the British government to acknowledge unqualified independence, although in a different manner from that first proposed. He considered the giving of such a commission to treat with them as a separate nation, to be a virtual acknowledgment of independence. In this opinion he was sustained by a letter, which he had some time before received from Mr Adams in Holland. ‘In a former letter,’ says Mr Adams, ‘I hinted that I thought an express acknowledgment of our independence might now be insisted on, but I did not mean, that we should insist on such an article in the treaty. If they make a treaty of peace with the United States of America, this is acknowledgment enough for me.’ When Count de Vergennes was consulted, he said that ‘names signified little,’ that he thought all the ends might be obtained under this commission, that ‘Mr Oswald’s acceptance of their powers, in which they were styled Commissioners from the United States of America, would be a tacit admittance of independence,’ and that all they had to do was to secure this independence ‘by inserting proper articles in the treaty, and fixing limits against all future claims.’ Mr Jay was not satisfied with this view of the subject. He insisted, that the dignity of the United States required a formal acknowledgment distinct from the treaty.

Impressed with this idea, he had an interview with Mr Oswald, and explained to him fully the difficulties under which he labored. At Mr Oswald’s request he stated his objections in writing, and urged the necessity of England’s treating with America on an equal footing. Mr Oswald promised to acquaint the ministry with these reasons, and request a change in the terms of his commission.

Meantime the French cabinet, having heard frequent rumors of Lord Shelburne’s insincerity in regard to proposals for peace, sent over secretly Mr Rayneval, secretary of the council, to consult with him, and ascertain from his own observations the actual designs of the British court. This journey, although kept secret at first, soon became known in Paris; and as it happened just at the time of the discussion about Mr Oswald’s powers, Mr Jay’s suspicions were awakened, and he could see nothing in this manœuvre but some concealed purpose against the United States. He believed that Count de Vergennes wish-

ed the acknowledgment of independence to be deferred, that he might take advantage of this state of things, till the French treaty with England was completed. Dr Franklin had no such fears, but said to Mr Jay, ‘This court has hitherto treated us very fairly, and suspicion to their disadvantage should not be readily entertained.’ The idea of some ill design on the part of France against America had seized Mr Jay’s mind so forcibly, that it was not to be dislodged by this mode of reasoning. His imagination was fertile in devising the means of evil, which our ally had it in her power to practise upon the United States, in promoting her own selfish ends. As a specimen of these workings of the imagination, we quote what he considered to be the reasons of Mr Rayneval’s visit to London.

- ‘1. To let Lord Shelburne know, that the demands of America to be treated by Britain as independent, previously to a treaty, were not approved or countenanced by this court, and that the offer of Britain to make that acknowledgment, in an article of the proposed treaty, was, in the Count’s opinion, sufficient.
- ‘2. To sound Lord Shelburne on the subject of the fishery, and to discover whether Britain would divide it with France, to the exclusion of all others.
- ‘3. To impress Lord Shelburne with the determination of Spain to possess the exclusive navigation of the Gulf of Mexico, and of their desire to keep us from the Mississippi ; and also to hint the propriety of such a line, as on the one hand would satisfy Spain, and on the other leave to Britain all the country north of the Ohio.
- ‘4. To make such other verbal overtures to Lord Shelburne, as it might not be advisable to reduce to writing ; and to judge from the general tenor of his lordship’s answers and conversation, whether it was probable that a general peace, on terms agreeable to France, could be effected, in order that, if that was not the case, an immediate stop might be put to the negotiation.’

Mr Jay thought this prospect very alarming for the treaty of the United States, and hastened to apply a remedy with the utmost expedition. A gentleman was then in Paris, who was on terms of intimacy with Lord Shelburne, and who, at the request of Mr Jay, agreed to go over to London and converse with his lordship on this subject. This gentleman was furnished by Mr Jay with the arguments, which he wished to operate on Lord Shelburne’s mind, in neutralizing the supposed efforts

of Mr Rayneval against the interests of the United States, and in convincing Lord Shelburne, that it was better to make a firm friend of America, than to gain what might at first be thought a temporary advantage, by listening to the insinuations of France. The messenger went to London with these instructions, and performed his task faithfully.

As it turned out, however, there was no occasion for any alarm at all, on the part of the American commissioners. Mr Rayneval's visit had a purpose totally unconnected with their concerns. We have before us a copy of the '*Confidential Note*', which he submitted in writing to the British ministers during his stay in London, and which contains the topics of his conversations with them. They are here printed from a literal transcript.

- ' 1. As the independence of America is a thing agreed upon, no remark needs be made on that subject.
- ' 2. Restitution of St Lucia, and retrocession of Dominica.
- ' 3. An arrangement for the fisheries of Newfoundland. This matter has been treated discursively with Mr Fitzherbert. If the ideas which have been proposed to him are judged impracticable, I am persuaded they will be weighed with equity at Versailles.
- ' 4. Senegal was an ancient possession of France; she claims to preserve it with its dependences.
- ' 5. The reëstablishment of France in India on the footing of 1754; or, to indicate another epoch, 1749. France does not pretend to acquire territory in India. She demands only an arrangement, which shall ensure the tranquillity of her factories, and provide for their expense.
- ' 6. An abrogation of all the stipulations relative to Dunkirk.
- ' 7. I have said in regard to the king of Spain, that I have been authorized only to give the strongest assurances of his pacific dispositions; but my personal desire to put his Britannic Majesty in a condition to appreciate the means of promoting the peace, has determined me to mention the king of Spain's intention to acquire Gibraltar either by conquest or otherwise. And presupposing that it would be for the interest of England to have in the Mediterranean a point of support for their commerce to the Levant, I have said that I was persuaded that in whatever manner the king of Spain might acquire Gibraltar, that prince would be disposed to assure to Great Britain such a point in the Mediterranean.
- ' 8. It is natural that Holland should demand a restitution of what she has lost. France will facilitate this restitution.'

From this note it seems, that nothing was said about American affairs, except to confirm the independence of the United States, the very topic which Mr Jay had imagined would be made the handle for gaining advantages over them, and which he believed to be the chief cause of Mr Rayneval's journey. This result justified Dr Franklin's opinion, and proved Mr Jay's apprehensions not to be well founded. It is certain, however, that they made a deep impression upon him, and had an influence over his mind, which was probably never removed. Mr Rayneval's confidential note was not made public, and Mr Jay had no means of knowing what had occurred in his interviews with the British ministry. Mr Oswald's commission was changed, in conformity with the first article of the above note, and the negotiators immediately entered upon their work in earnest.

We take occasion here to remark, that Mr Jay's correspondence generally, in regard to France, was too much tinged with suspicions for which he really had very slender reasons, but into which he was led by a series of incidents, that seemed to him inexplicable. The truth is, he had been but a few weeks in Paris, was unacquainted with the details of the French cabinet and the character of the ministers, and had joined the negotiation in its progress. Jealous of his country's rights, elevated in his political principles, true and firm in his patriotism, he watched with a keen eye whatever bore on these topics, and regarded with suspicion the acts and hints, for which he could not discover an obvious motive. When his confidence was once shaken, he gave a great latitude to his conjectures, as we have seen by the example already cited, and he allowed even his judgment to be carried out of its usual course. Dr Franklin, on the contrary, had lived in Paris during the whole war, and had been compelled, from his situation, to hold a constant and close intercourse with the French court; he had thus become intimately acquainted with the characters of the men, their system of policy, and habits of action. Repeated experiments had proved to him in what they were to be trusted and to what extent. Hence, when Mr Jay became alarmed, Franklin was cool and unsuspecting. Satisfied of the good faith of the men, whose entire course of policy he had known for years, he could not admit that there was a dereliction of principle, a deviation from the uniform consistency which he had so long witnessed, until he should see stronger evidence than had yet come to light; and he deemed it a duty to wait

for other events, before he committed the injustice of condemning the conduct of men, who, in all that related to his transactions with them, had been found true to their professions. The issue confirmed the correctness of Dr Franklin's views in this respect, and afforded another proof, if another were wanting, of his sagacity and wisdom.

In short, after an inquiry of no small extent, and with no common facilities, on the subject of our foreign relations during the Revolution, in which Franklin bore so conspicuous a part, we have been impressed with the firmest conviction, not more of his remarkable qualities and powers, than of his strict and undeviating integrity, the purity of his patriotism, his zeal in the cause of his country, and his firmness in maintaining its rights. Every step we have taken has developed some new proofs. The party rancor of the times, the personal jealousy of some of his coadjutors, and a combination of circumstances that may easily be explained, gave a currency to insinuations against his political character, which have been too readily incorporated into history. We shall only add, that we believe those insinuations to have been as ill founded in fact, as they have been unjust and hurtful in their effects.

Mr Pitkin's History is brought down to the close of Washington's administration, and the interest is well sustained to the end. The difficulties encountered under the old confederation, the origin and formation of the new constitution, and the eventful period of Washington's presidency, are dwelt upon in a manner which shows, not only the familiar acquaintance of the author with what he describes, but his knowledge of the spirit of the times, and of the aims and purposes of the principal actors.
